

MINUTES OF
ZONING BOARD OF ADJUSTMENT
Hopatcong Borough Hall, Hopatcong, NJ
December 13, 2006

CALL TO ORDER: Chairman Mike Francis called the meeting to Order at 7:30PM

CHAIRMAN'S STATEMENT: The Chairman stated that this meeting is held in accordance with the Open Public Meetings Act 10:4-1 et seq. annual notice having been forwarded to the New Jersey Herald, the Sunday Herald and posted on the bulletin board maintained in the Municipal Building for public announcements.

SALUTE TO THE FLAG: The Members joined in a salute to the Flag.

ROLL CALL PRESENT: Roy Winfield, Michael Collins, Robert Daddis, Ken Trumpore, Steve Wenz, Cliff Lundin, Alt. Mike Rahill, Alt. Judith Kracht, Chairman Mike Francis
Zoning Officer William Donegan
Board Attorney William Haggerty, Esq.
Zoning Board Engineer John Ruschke
Excused: Borough Planner Kenneth Nelson

ABSENT:

MINUTES:

Motion to approve the minutes of November 8, 2006, with a minor correction was made by Lundin, seconded by Daddis

Roll call: Winfield – yes, Lundin – yes, Rahill – yes, Kracht – yes, Collins – yes, Francis – yes, Daddis – yes, Trumpore – yes.

CONTINUED APPLICATIONS:

BENEDETTO, JAMES BLOCK 11115, LOT 16 110 Metro Trail

Applicant is seeking relief from 242-11(C), steep/critical slope; 242-28(C), retaining wall set back, and any variances required by the Zoning Board. Pre-existing non-conforming: 242-38D(1), minimum lot size; 242-38D(4), front yard setback; 242-38D(5), side yard setback

Applicant wants to replace an existing retaining wall. This application was bifurcated and approved as to the steps and continued from the November 8th meeting so the applicant could provide an accurate survey and location of the retaining wall or obtain Mayor and Council approval of it's location in the Borough Right of Way.

The applicant presented a new survey that showed that the new wall is on their property and not in the Borough right of way. There are some rocks shown on the survey not on the property that will be rolled back onto the property.

A motion to approve the application was made by Lundin, seconded by Daddis.

Roll call: Winfield – yes, Lundin – yes, Wenz – yes, Collins – yes, Francis – yes, Daddis – yes, Trumpore – yes.

MVP BUILDERS, LLC BLOCK 10501, LOT 39 15 Florence Street

Applicant is seeking relief from 242-38D(1), minimum lot size; 242-38D(2), lot width; 242-38D(3), 242-38E(1) building footprint; 242-11(C), steep/critical slope; 242-28(C), retaining wall; 242-23(A), driveway grade and any variances required by the Zoning Board.

Applicant wants to build a single-family home on a vacant lot. This matter was continued from the November 8, 2006 meeting to give more notice to abutting neighbors and address possible subdivision issues.

Engineer Dave Fantina appeared with Atty. David Gerlone for the applicant. The property is not in common ownership and the notice has been properly served to abutting neighbors with no response. The notice was marked exhibit A-1.

Fantina said the lot is undersized at 9000 sf and construction will result in steep slope disturbance of the entire lot because they need to put in a septic system. They are mitigating the steep slope disturbance by shifting the house, drywells are proposed along with retaining walls on each side of the driveway. They will be disturbing 1775 sf of 15-25% slopes and 884 sf of greater than 25% slope category. They will drill a well in the back.

The meeting was open to the public. No one from the public commented. The meeting was closed to the public.

The items in Ruschke's report dated Oct. 20, 2006, were addressed item by item and they agreed to comply.

The plans show a three-bedroom house. They have Board of Health approval. Ruschke said the plans conform to the stormwater ordinance.

The lot would be denuded for this project and the Board wanted assurances that there would be no problems with drainage after it is developed. They agreed to vegetate with sod and use pervious coverage instead of macadam. Trumpore felt this property was not suitable for development but the attorneys said if the applicant establishes appropriate controls, development should be approved, the Town cannot take it.

The Board would like to see a landscape plan that shows some replanting. They will also revise the plans to comply with Ruschke's report, show the driveway material, sod and landscaping.

A motion to carry the matter to the January 10, 2007 meeting with no further notice was made by Winfield, seconded by Wenz.

Roll call: Winfield – yes, Lundin – yes, Wenz – yes, Collins – yes, Francis – yes, Daddis – yes, Trumpore – yes.

NEW APPLICATIONS:

WOIENSKI, VICTOR & SUSAN BLOCK 10101, LOT 8 11 Bertha Street

Applicant is seeking relief from 242-38A single-family use and any variances required by the Zoning Board. Preexisting non-conforming: 242-38D(2), lot width; 24238D(5), side yard setback.

Applicant wants approval for three-family use. The notice for this application was not proper.

A motion to continue this matter to the January 10, 2007 meeting with no further notice was made by Lundin, seconded by Collins

Roll call: Winfield – yes, Wenz – yes, Lundin – yes, Collins – yes, Francis – yes, Daddis – yes, Trumpore – yes.

The applicant will provide the new hearing date on all notices that have not been sent.

ORINICK, ANDY BLOCK 20103, LOT 17 129 Brendona Ave.

Applicant is seeking relief from 242-38D(4), front yard setback; 242-38D(5), side yard setback and any variances required by the Zoning Board. Pre-existing non-conforming: 242-38D(2), lot width

Applicant would like to build an addition to a single-family home. Mr. Orinick was sworn in. There is more room for the addition on the other side of the house, however, the addition was planned because of the existing floor plan. He is enlarging the living area only and not adding another bedroom. The floor plans show four existing bedrooms and the Board of Health approval was for three bedrooms. One of the bedrooms is the size of a closet and is used for storage. The addition is 11' wide. He agreed to put a 4' archway in the office and the Resolution will state the home has three bedrooms.

A motion to approve the application with an archway, restricted to three bedrooms with the small bedroom to be a walk-in closet was made by Daddis, seconded by Wenz.

Roll call: Winfield – yes, Lundin – yes, Wenz – yes, Collins – yes, Francis – yes, Daddis – yes, Trumpore – yes.

MAGNUSSON, ERIC BLOCK 30803, LOT 83 33 Bucknell Trail

Applicant is seeking relief from 242-38D(4), front yard setback; 242-311C, steep/critical slope and any variances required by the Zoning Board. Pre-existing non-conforming: 242-38D(1), lot size, 242-38D(2), lot width; 242-38C(1), retaining wall setback

Applicant would like to demolish an existing house and build a new home. Eric Magnusson was sworn in with his engineer, Jeff Careaga. The Board of Health letter dated August 3rd was read into the record. This lot is larger than other lots in the neighborhood. The sideyard setbacks were 16'.

The meeting was open to the public. Michael McIlmoyle, 31 Bucknell Trail, was sworn in. He was concerned because he is close to the house that is going to be demolished. He wanted to know if there would be blasting and also if they were going to remove the existing fence without noticing him. He is not sure whose fence it is because it is on the line and was existing but he wants notice because he has dogs. Mr. Magnusson might replace the fence in the future and would give him notice. They will not be blasting, if they encounter rock, they will alter the basement plan. The chimney will be taken down by hand and the house pulled down on the property.

Careaga said other front yard setbacks in the neighborhood varied from 6' to 15'; the proposed set back is 18'. They agreed to use silt fencing.

Ruschke felt the lot was restricted with regard to drywell installations and the stormwater control ordinance can't be met because of the constraints of the lot and other septs. Pervious pavers and perforated roof leaders would help with control. Drywells would compromise anything else including adjacent septs.

A well on an adjacent property was shown to be abandoned although this was not a condition of the Board of Health approval. This will be brought to the Board of Health's attention.

The trees next to lot 84 will be saved, 4 trees will have to be removed. Trees in the limit of disturbance can also be saved.

A motion to approve the application with the stipulation that the driveway be changed to pervious pavers, the well is sealed, the trees in the limit of disturbance saved and compliance with items 2-6 of Ruschke's report of December 7, 2006, was made by Trumpore, seconded by Daddis.

Roll call: Winfield – yes, Lundin – yes, Wenz – yes, Collins – yes, Francis – yes, Daddis – yes, Trumpore – yes.

HELLEM, REJINA BLOCK 30501, LOT 52 357 Lakeside Blvd.

Applicant is seeking relief from 242-30C(3), dock length; 242-30D(4), water area coverage; 242-30F(1), maximum deck width and any variances required by the Zoning Board

Application would like to reconstruct a dock. The Application has been withdrawn.

A motion to dismiss without prejudice on the applicant's request was made by Lundin, seconded by Collins

Roll call: Winfield – yes, Wenz – yes, Lundin – yes, Collins – yes, Francis – yes, Daddis – yes, Trumpore – yes.

COLSON, RANDY BLOCK 40001, LOT 10 & 12 155 Stanhope Road

Applicant is seeking relief from 242-48, permitted use in the M-1 Zone, 242-28B(3), fence height in front yard and any variances required by the Zoning Board.

Applicant would like to have horses at a kennel. Atty. John Ursin appeared with Randy Colson who was sworn in. This 6-acre property has a farmhouse and a building used as a commercial dog kennel with 40 stalls. Mr. Colson wants to combine some of the stalls for horses. The site plan shows two lots and if they are not combined already they will be. The 5 horse stalls will be 10'x 10' and 15 dog stalls will remain. The office/apartment will strictly be used as an office. The property is in the M-1 zone, a conditional use is allowed for kennels and animal hospitals. There is a previous resolution regarding this use as a kennel and it has been used as a kennel for at least 30 years.

The fence is setback 15' from the property line and an existing pond is outside the fenced area. He can contact the NRCS for a plan to buffer the pond from the animal area. Any DEP regulations for manure will be followed. They might qualify for a farm assessment. A previous Resolution had required annual water tests but this was probably not done.

The meeting was open to the public. No one from the public commented. The meeting was closed to the public.

They will have to comply with the DEP, Sussex County Agricultural Board and recommendations by the NRCS on buffers and agree to merge the properties.

A motion to approve with these conditions was made by Lundin, seconded by Daddis. Roll call: Winfield – yes, Wenz – yes, Lundin – yes, Collins – yes, Francis – yes, Daddis – yes, Trumpore – yes.

RUSCHKE, JOHN BLOCK 30806, LOT 5 & 30805, LOT 11 117 & 122 Hudson Avenue

Applicant is seeking relief from 242-38D(1), minimum lot size; 242-38D(2), lot width; 242-38D(3) lot depth; 242-38D(4) front yard setback; 242-30D(4), water area coverage; 242-15B(5), accessory structure in front yard; 242-15A, accessory structure without primary structure and any variances required by the Zoning Board

Applicant would like to construct a boathouse and garage on a vacant property. Lundin recused himself and left the meeting. Atty. John Ursin represented John Ruschke who was sworn in. The property consists of two separate lots, Lot 5 is 4976 sf and Lot 11 is 18027 sf. and they are separated by Hudson Avenue. The minimum lot requirement in this zone is 15,000 sf. Ruschke's long-term intention is to build a principal structure on Lot 11. In the meantime he would like to construct a single-well boathouse with no loft and an elevated roof on Lot 5. The design complies with all Borough Ordinances and is located in the center of the property. The boathouse will be for personal use, will not be rented or used for any commercial use.

Eventually he will build a home across the street when the sewers come into the area. Constructing a septic is possible but would cause considerable disturbance. The applicant would combine the two lots even though Lot 11 is conforming.

A garage is proposed on Lot 11 for parking because there are parking problems on Hudson Avenue. He would also use the garage for storage and this requires a front yard setback. Photos of other homes, parking areas and garages were marked Exhibit A-1, A-2 and A-3.

The meeting was open to the public. William Ridge, 115 Dupont Ave., former Zoning Officer, was sworn in and said §242-15B(2) states that no accessory building can be ½ of the ground area of a principal building and since there is no principal building we don't know how big it can be. Also this variance was omitted from the notice. Haggerty felt this matter could precede based on recent rulings. He was also concerned about there being no toilet facilities, runoff and the steep slope of the property. Next door to this property there is an illegal sea wall and a port-a-potty. There is only 10' to the lake from the guardrails.

A letter from the State was read into the records approving the boathouse. The dock on the property will be removed.

Mr. Ridge questioned how an undeveloped lot could get sewer allocation when he has a house and he can't. The Mayor and Council has been giving sewer approval to undeveloped lots and if Ruschke doesn't get approval he will put in a septic system. He doesn't know when he will build the house but wants to enjoy the access to the Lake in the meantime.

Estelle Klein was sworn in and said the Board of Health passed an ordinance that no port-a-johns will be permitted in a residential area. No one else from the public commented. The meeting was closed to the public.

The proposed garage would have a roof that would be grassed and the driveway would be pervious pavers.

Trumpore and Daddis were concerned because there were no plans for the house and also about the steep slope of the property. Daddis was concerned about traffic problems during construction.

The proposed garage is 900 sf. so a 2000 sf house would make it conforming. The house would sit on top of the garage to minimize disturbance. The main reason for the garage was to provide off site parking. The area of the boathouse is 384 sf. and no house he would build would be less than double that.

The Board was not comfortable approving the garage without the house plans. The applicant could provide two offsite parking spaces with gravel instead.

A motion to approve the application for a boathouse only with two offsite parking places was made by Trumpore, seconded by Winfield.

Roll call: Winfield – yes, Wenz – yes, Collins – yes, Francis – yes, Daddis - no, Trumpore – yes.

<u>RESOLUTIONS:</u>	Patel	30607/6.01
	Benedetto	11115/6
	DiChiara	30320/4
	DeJager	40408/3
	Landolfi	41101/2

A motion to approve the Resolutions with minor corrections was made by Daddis, seconded by Trumpore.

Roll call: Winfield – yes, Wenz – yes, Collins – yes, Francis – yes, Daddis - yes, Trumpore – yes, Rahill - yes

<u>BILLS:</u>	Dolan & Dolan	
	Castro	30802/21 \$204.00
	Compietiello	11017/15 \$78.00
	DeVito	30608/4 \$42.00
	Dillon	31003/29 \$48.00
	Harder	40303/19 \$36.00
	Marinoni	40204/24 \$216.00

Meredith	10806/8	\$210.00
Oliva	31101/17	\$216.00
Patel	30706/6	\$48.00
Rehe	40211/6	\$180.00
Schouten	30408/26	\$48.00
General	10/11 mtg.	\$370.00

Hatch Mott MacDonald

Compitiello	11017/15	\$210.00
Sabarese	30408/10	\$367.50

A motion to pay the bills was made by Daddis, seconded by Winfield.

Roll call: Winfield – yes, Collins – yes, Francis – yes, Daddis – yes, Trumpore – yes, Rahill - yes

ESCROW REFUNDS:

Vreeland	50410/7	\$402.00
Ferguson	10205/5	\$180.00
Keir	10811/8	\$120.00
Segura	10305/11	\$235.00
Gehring	10308/6	\$396.00
Belarezo	10405/13	\$235.00
Capwell	10805/9	\$18.00
Couteau	10807/1	202.00
Merzeau	10811/6	366.00
Smith	10901/41.01	\$268.00
Schuhlein	11001/22	\$166.00
Ruprecht	11012/5	\$264.00
Sheldon	11104/8	\$190.50
McMillin	11210/11	\$229.50
Horrell	11301/10	\$420.00
Condon	30301/4	\$27.50
Downey	30327/7	\$360.00
Semancheck	30408/20	\$308.00
Fitzgerald	30501/67	\$229.50
Castillo	20504/4	\$372.00
Sadowski	30703/9	\$86.50
Reese	30802/24	\$220.00
Rospond	30803/4	\$528.00
Impink	31101/44	\$37.76
Dora	31201L8	\$258.00
Jaworski	31207/4	\$262.50
Volker	31303/57	\$257.00
Romeo	31603/28	\$218.50
Mazalewski	31603/7	\$75.50
Edwards	31704/16	\$172.00
Hemmerich	40007/1	\$256.00
Cole	40105/24	\$160.00
Anastasia	40107/25	\$414.00
Wills	40208/11	\$181.50
Owen	40213/5	\$414.00
Templin	40216/3	\$450.00
Maldonado	40407/3	\$251.50
Justin	40412/2	\$414.00
Dunn	40414/17	\$216.00
Krause	40414/44	\$250.00
Waldron	40505/14	\$262.50
Bunnican	40910/14	\$262.50
Taylor	41101/6	\$290.00
Webb	50204/5	\$408.00
Crammer	50207/8	\$262.50
Owens	50303/3	\$250.00

Hicok	50403/10	\$420.00
Specht	50407/4	\$43.00
Divittorio	50410L15	\$118.50
Butts	5041310	\$402.00
Edwards	50502/2	\$262.50
Cramer	50601/3	\$420.00
Jee	50604/102	\$82.00
Soit	70106/2	\$208.00

A motion to approve the escrow refunds was made by Daddis, seconded by Winfield.
 Roll call: Winfield – yes, Rahill – yes, Collins – yes, Francis – yes, Daddis – yes,
 Trumpore – yes, Wenz - yes

OLD BUSINESS:

NEW BUSINESS:

CHAPLIN, RAYMOND BLOCK 10811, LOT 3 13 Cove Road

Discussion on design changes. Lundin had recused himself. John Chaplin, the applicant's father, and Kevin O'Neil, the contractor, were sworn in. They thought they were there because they violated the fire code for a three-story building. Donegan said the site plans didn't show walk out space or floor plans for the basement level and the Board should be aware of this. An architect or engineer will determine the height of the building after the final grading to make sure it is compliant. The height is 29' to the ridge. The footprint of the house has not changed. The house was adapted to the lot.

The Board had no problem with this and felt they were compliant with their approval.

VAN BEKE, HAROLD BLOCK 11003, LOT 23 210 Windsor Ave.

Discussion on design changes. Betty and Harold Van Bekke were sworn in. The design change involved the elevation of the drawing of the garage, it is 2' higher and there is now a doorway from the bedroom into the storage area. The Board had no problem with this change.

Time Limits for Completion of Development: Tracking completion and compliance with approvals is difficult. The Borough is looking into software that would help with this.

ADJOURNMENT:

A motion to adjourn was made by Lundin, seconded by Collins.

Roll call: Winfield – yes, Collins – yes, Francis – yes, Wenz – yes, Daddis – yes,
 Trumpore – yes

ALL IN FAVOR, MOTION CARRIED.

The meeting was adjourned at 10:19 p.m.

Eugenia Wiss, Secretary